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APR 05 2004

**OFFICE OF PETITIONS**

In re Application of :  
Andrew Joseph Friedman et al. :  
Application No. 10/626,434 : DECISION ON PETITION  
Filed: July 24, 2003 : UNDER 37 C.F.R. §1.10(D)  
Attorney Docket No. PRD-0007- :  
US-CIP :  
Title: EXTENDED TRANSDERMAL :  
CONTRACEPTIVE REGIMENS :  
:

This is a decision on the "Request for revised filing receipt," received February 9, 2004. The submission is properly treated as a petition under 37 C.F.R. §1.10(d), requesting that the application be accorded a filing date of July 24, 2003.

Shortly after July 25, 2003, the above-identified application was received in the Office. The Office of Initial Patent Examination mailed petitioner's filing receipt, indicating that the application had been accorded a filing date of July 25, 2003.

In response, on February 9, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of EV138495238US<sup>1</sup> and a print-out of the tracking results from the USPS's website. Applicants request that the application be accorded a filing date of July 24, 2003.

<sup>1</sup> The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has alleged that the application was deposited on July 24, 2003, and the Patent Office has incorrectly assigned a filing date of July 25, 2003 to the instant application.

Regarding the Express Mail label, it is noted that the label does not contain a "date-in." A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) was also inconclusive, in that it stated that the information pertaining to this Express Mail label number is stored off-line.

However, Petitioner has provided a print-out of the United States Postal Service's website tracking results, which establish that the package was received on July 24, 2003.

Although the application received a filing date of July 25, 2003, the evidence is convincing that the application papers were filed on July 24, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of July 24, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 24, 2003, **as well as the mailing of a corrected filing receipt.**

Receipt of the declaration and the surcharge associated with the late filing of an oath or declaration is acknowledged.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



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